



BOARD OF DENTISTRY

Steven L. Beshear
Governor

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David J. Beyer
Executive Director

March 28, 2014

Todd R. Kolter, DMD
952 US 31W Bypass
Bowling Green, KY 42102

Via HAND DELIVERY, and by regular mail

Re: **Order and Notice of Immediate, Temporary
Suspension of Kentucky License to Practice Dentistry
Agency Case No. 13-060 and 13-063**

Dear Dr. Kolter:

The Kentucky Board of Dentistry (Board) recently considered information within its possession through its Law Enforcement Committee (LEC) regarding alleged violations of KRS Chapter 313 that you may have committed.

The LEC, by and through its statutory authority, has made the following preliminary findings of fact, which have been supplemented with additional investigative information and documentation:

1. You entered in a Settlement Agreement dated November 24, 2010, whereby you agreed to abstain from the use of illegal drugs or the illegal use of scheduled drugs, except as prescribed by a duly licensed practitioner for a documented, legitimate medical purpose for as long as you hold a license to practice dentistry. By this Settlement Agreement you agreed that should you fail to comply with the terms of the Settlement Agreement the Board would issue an Immediate Temporary Suspension of your license to practice dentistry for a period of not less than twenty-four (24) months and a fine of not less than \$500.00 as administrative costs of the Board;

2. You subsequently violated the Settlement Agreement by consuming illegal drugs and controlled substances;
3. Thereafter, on November 23, 2013, you entered into an Agreed Order whereby the Immediate Temporary Suspension provision mentioned above would not be enforced provided you:
 - A. Immediately surrendered your dental license;
 - B. Within seven (7) days of the agreed order you secured an admission date prior to January 1, 2014, into a Well-Being Committee approved in-patient treatment facility; and,
 - C. Following successful completion of treatment and discharge from the Well-Being Committee approved in-patient facility you were to demonstrate a six (6) month period of sobriety before applying for reinstatement of your license;
4. Despite the mandates of the Agreed Order dated November 23, 2013, you continued to practice dentistry in violation of this Agreed Order by seeing and treating patients; you also failed to secure admission to a Well-Being Committee approved in-patient treatment facility; you failed to demonstrate a six (6) month period of sobriety before resuming practicing dentistry, and practiced dentistry without a valid license in violation of the Agreed Order and the Kentucky Dental Practice Act.

Therefore, you violated the terms of the Settlement Agreement dated November 24, 2010, and the Agreed Order dated November 23, 2013. Accordingly, the LEC of the Board voted to enforce the provisions of these two (2) documents and issue an Immediate Temporary Suspension of your license.

Based on the foregoing and with due regard for the totality of circumstances, the Board, by and through a unanimous vote of the LEC, hereby orders that your license to practice dentistry in Kentucky be immediately and temporarily suspended for the reasons set forth above as necessary to protect the health, safety, and welfare of the public for your alleged violations of KRS 313.080 (1)(a), (2) (a), (c), (d), (e), and (f) and KRS 313.130.

These violations involved your: (1) use and/or addiction to one or more drugs as well as alcohol abuse; (2) physical or mental disability, or other condition, that continued practice would be dangerous to patients or to the public; (3) acting in a negligent manner inconsistent with the practice of dentistry; and (4) inability to practice dentistry with reasonable skill and safety.

This Immediate Temporary Suspension shall become effective upon service by personal delivery or by mail to your last known address on record with the Board, but not later than the time of personal service to you of this letter. You may not practice dentistry as that term is defined in KRS 313.010(11) effective upon delivery of this Notice of Immediate, Temporary Suspension.

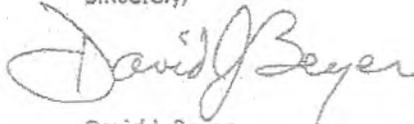
Since you are immediately, temporarily suspended, you shall make appropriate professional arrangements to refer your dental patients currently scheduled, if any, to other dentists for follow-up dental treatment by contacting those patients to provide a referral, by placing an appropriate

written notice in your dental office, if any, or window visible to the public, and by staffing your dental office, if any, for a reasonable time starting immediately, so that an office staff person is available to make continued referrals in person.

You may appeal this action of the Board under KRS 313.085, or as otherwise allowed, by filing a written request with the Board within thirty (30) days after receipt of this Order, at the address on this letterhead, by notifying the Board through its staff that you desire a due process hearing, which will be conducted under KRS 13B.125. A request for a hearing does not stay the effectiveness of this Order. If a hearing is requested, the only issue in such a hearing under KRS 13B.125 is whether "there is substantial evidence of a violation of law which constitutes an immediate danger to the public health, safety, or welfare."

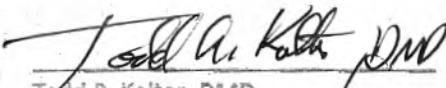
The Board requires that you review this Order, sign and date below, and provide a copy to a representative of the Board, or mail/fax a copy to the Board at the address on this letterhead.

Sincerely,



David J. Beyer
Executive Director
Kentucky Board of Dentistry

I hereby acknowledge receipt of a copy of the above document, Order and Notice of Immediate, Temporary Suspension of Kentucky License to Practice Dentistry, and will abide by its terms until further order of the Board.



Todd R. Kolter, DMD

Date: 4/2/14